

Topic: Name Availability/Search Software

Question by: Chauncey R. Newsome

Jurisdiction: Georgia

Date: August 18, 2011

Jurisdiction	Question(s)			
	<p>Is anyone using any software to help you determine if a name is available?</p>	<p>If so, is the software something written internally or is it through a 3rd party vendor</p>	<p>If you are using a 3rd party software, please provide the name of it.</p>	<p>Does the software provide the flexibility search “sounds like”, “similar to”, “like”, “exact” or “soundex” matches?</p>
Manitoba				
Corporations Canada	<p>Yes, Corporations Canada uses the automated NUANS search report described above. See below for full response.</p>	<p>The NUANS software is programmed internally.</p>	<p>N/A</p>	<p>The NUANS Report provides results of existing corporate names that sound like and appear like other names and trade marks that already exist.</p>
Alabama				
Alaska				
Arizona				
Arkansas				
California				

Jurisdiction	Question(s)			
	Is anyone using any software to help you determine if a name is available?	If so, is the software something written internally or is it through a 3 rd party vendor	If you are using a 3rd party software, please provide the name of it.	Does the software provide the flexibility search “sounds like”, “similar to”, “like”, “exact” or “soundex” matches?
Colorado	Yes	Internally		We do have an “exact match” option for advanced searches, but we do not search for “sounds like” or any of the others. In Colorado, the name must be a distinguishable character string, so we would accept both “Power Bar, LLC” and “Power Barre, LLC”.
Connecticut				
Delaware				
District of Columbia	yes		In DC our new software CGov 360 provides name check to adhere to two legal requirements: name not being the same or deceptively similar.	<p>Even though software is performing this validation we have continued to use manual check because it is almost impossible for software to cover all the cases. (you have to write too many exception cases)</p> <p>So, for web filings we let software perform validation for all items including the name. Once filing comes to our queue we perform final manual name check and approve/ reject.</p>

Jurisdiction	Question(s)			
	<p>Is anyone using any software to help you determine if a name is available?</p>	<p>If so, is the software something written internally or is it through a 3rd party vendor</p>	<p>If you are using a 3rd party software, please provide the name of it.</p>	<p>Does the software provide the flexibility search “sounds like”, “similar to”, “like”, “exact” or “soundex” matches?</p>
<p>Florida</p>	<p>In Florida a name is available for use if it is “distinguishable on the record”. Distinguish ability gets down to one letter in some cases. We don’t allow the plural or possessive “s” or punctuation and spaces to make a name distinguishable. Names are checked manually. If a name or word “sounds like” another name, it doesn’t matter, it is still distinguishable, rearrangement of words is distinguishable, “same words contained within another name” is distinguishable, and “similar to” is still distinguishable. We do not use code or a program to screen names because strict alphabetic order determines whether or not a name is “distinguishable on our records”.</p>			
<p>Georgia</p>				

Jurisdiction	Question(s)			
	Is anyone using any software to help you determine if a name is available?	If so, is the software something written internally or is it through a 3 rd party vendor	If you are using a 3rd party software, please provide the name of it.	Does the software provide the flexibility search “sounds like”, “similar to”, “like”, “exact” or “soundex” matches?
Hawaii	Hawaii island is like Rhode Island, we use a manual process for name availability search.			
Idaho				
Illinois	Illinois is using in-house software to help determine if a name is available.	It is software written internally	N/A	Yes the software provides the flexibility search "sounds like" , "similar to", "like" , "exact" or "soundex" matches.
Indiana				
Iowa				
Kansas	Kansas does utilize a software search but it does not provide for #4.	It is a software package developed in house.		If you're interested here is a link to our rules https://www.accesskansas.org/businesscenter/index.html?link=name_avail
Kentucky				
Louisiana				
Maine				
Maryland				
Massachusetts				

Jurisdiction	Question(s)			
	<p>Is anyone using any software to help you determine if a name is available?</p>	<p>If so, is the software something written internally or is it through a 3rd party vendor</p>	<p>If you are using a 3rd party software, please provide the name of it.</p>	<p>Does the software provide the flexibility search “sounds like”, “similar to”, “like”, “exact” or “soundex” matches?</p>
Michigan	<p>The Michigan Limited Liability Company Act, Michigan Business Corporation Act, and the Michigan Nonprofit Corporation Act require that the name be “distinguishable upon the records in the office of the administrator.” The name must be unique by at least one character.</p>	<p>The software is a DOS based program that was developed internally.</p>		<p>It does have the flexibility to search sound a likes, etc.</p>
Minnesota				
Mississippi				
Missouri				
Montana	<p>Montana does not have an automated name availability search. We manually check names for availability.</p>			
Nebraska				

Jurisdiction	Question(s)			
	Is anyone using any software to help you determine if a name is available?	If so, is the software something written internally or is it through a 3 rd party vendor	If you are using a 3rd party software, please provide the name of it.	Does the software provide the flexibility search “sounds like”, “similar to”, “like”, “exact” or “soundex” matches?
Nevada	yes	Algorithm developed by staff and vendor as part of our e-SoS processing system.	N/A	System compares the proposed name using name guidelines, excluding corporate endings, punctuation and definite and indefinite articles. Check is initially exact, but the system give the option for a phonetic search as well.
New Hampshire				
New Jersey				
New Mexico				
New York				
North Carolina	yes	Was written internally		We can search by "starts with", "all words", "any words", "Corporate Name Availability", "sounds like", "exact match", "sosid", and also choose if only searching active entities.
North Dakota	North Dakota’s name availability is a manual process.			

Jurisdiction	Question(s)			
	<p>Is anyone using any software to help you determine if a name is available?</p>	<p>If so, is the software something written internally or is it through a 3rd party vendor</p>	<p>If you are using a 3rd party software, please provide the name of it.</p>	<p>Does the software provide the flexibility search “sounds like”, “similar to”, “like”, “exact” or “soundex” matches?</p>
<p>Ohio</p>	<p>Yes</p>	<p>Written internally</p>	<p>N/A</p>	<p>No, it is looking for exact and applies our name availability guideline which excludes corporate entity words/abbreviations, punctuation, contractions, abbreviations, articles, and different tenses of words.</p>
<p>Oklahoma</p>				

Jurisdiction	Question(s)			
	Is anyone using any software to help you determine if a name is available?	If so, is the software something written internally or is it through a 3 rd party vendor	If you are using a 3rd party software, please provide the name of it.	Does the software provide the flexibility search “sounds like”, “similar to”, “like”, “exact” or “soundex” matches?
Oregon			Oregon's software is a hybrid of FONIX (which has a soundex component), our own code and manual review. We are trying to go to a more automated process, but know there will be many user errors that software may not catch, such as two names in a single name field, "DBA", etc. It comes down to how much we should hold their hand, or, conversely, turn over total responsibility for errors. Every amendment costs them money, and people aren't happy when they have to pay to fix their own mistakes.	
Pennsylvania				
Rhode Island	Rhode Island does not have an “automated” name availability search. We currently use a manual process.			
South Carolina				

Jurisdiction	Question(s)			
	Is anyone using any software to help you determine if a name is available?	If so, is the software something written internally or is it through a 3 rd party vendor	If you are using a 3rd party software, please provide the name of it.	Does the software provide the flexibility search “sounds like”, “similar to”, “like”, “exact” or “soundex” matches?
South Dakota				
Tennessee				
Texas				
Utah				
Vermont				

Jurisdiction	Question(s)			
	Is anyone using any software to help you determine if a name is available?	If so, is the software something written internally or is it through a 3 rd party vendor	If you are using a 3rd party software, please provide the name of it.	Does the software provide the flexibility search “sounds like”, “similar to”, “like”, “exact” or “soundex” matches?
Virginia	On August 3, the State Corporation Commission rolled out a new, fully-automated system to determine if a prospective business entity name is distinguishable from the other active names on our records. There is no human review, so it’s not merely “help.” I think the programming was simplified (and, maybe, made feasible) because Virginia’s statutory standard is “distinguishable upon the record” as opposed to “confusingly similar.” An extra “s” in a name is sufficient to make it distinguishable.	The software was written as a collaborative effort between our staff and a contractor.	N/A	No. Prospective names can be checked at https://sccefile.scc.virginia.gov/NameAvailability .
Washington	Yes	It was written internally		No but it will search by beginning words or by containing words.
West Virginia				
Wisconsin				

Jurisdiction	Question(s)			
	Is anyone using any software to help you determine if a name is available?	If so, is the software something written internally or is it through a 3 rd party vendor	If you are using a 3rd party software, please provide the name of it.	Does the software provide the flexibility search “sounds like”, “similar to”, “like”, “exact” or “soundex” matches?
Wyoming				

Additional comments:

Corporation’s Canada Full Response:

Hi Tanja, and welcome to IACA,

As you know, I am writing in answer to Chauncey Newsome’s August e-mail, below.

The Georgia project sounds like an interesting one to us. Our own system has been providing reports on name availability to us and to most of the provinces and territories in Canada for more than 30 years. Let me explain our system to give you some context for our answers to your questions.

Businesses and not-for-profit organisations that want to incorporate in Canada can choose to incorporate under the laws of any of the 13 provinces and territories, or under the federal law. Regardless of where the corporation decides to incorporate, it is important for the approving jurisdiction and the corporation to know whether other jurisdictions, not just its own, have granted a name that is the same or similar to the name proposed to a corporation that will be operating in the same market.

To assist in making this determination, Corporations Canada operates an automated name-search service, NUANS, in collaboration with the provincial and territorial governments. At regular intervals, weekly or bi-weekly, the provinces and territories provide NUANS with the names on their databases. In addition to corporate names, NUANS collects trade mark data from the federal regulator of trade marks and names data from other data bases.

The applicant for a corporate name is required by most provinces and territories to submit a name-search report from NUANS in support of their application. NUANS searches its database to provide the applicant with a report listing identical or similar existing corporate names in addition to trademarks. If the applicant decides to apply for the name after reviewing the NUANS Report, it must then submit this report with its name application to the jurisdiction that requires the report – whether the jurisdiction is federal, provincial or territorial.

If Georgia is interested, we would be pleased to provide a demonstration of the NUANS software, samples of the reports generated, and any other assistance that would further your research.

With this background, to answer your questions:

1. Is anyone using any software to help you determine if a name is available?

Yes, Corporations Canada uses the automated NUANS search report described above.

2. If so, is the software something written internally or is it through a 3rd party vendor?

The NUANS software is programmed internally.

3. If you are using 3rd party software, please provide the name of it.

N/A

4. Does the software provide the flexibility search “sounds like”, “similar to”, “like”, “exact” or “soundex” matches?

The NUANS Report provides results of existing corporate names that sound like and appear like other names and trade marks that already exist.

Please let me know if you need more information. We are certainly interested in the results of your research.

Bob Weist
Robert W. Weist
Special Advisor
Corporations Canada, Industry Canada
365 Laurier Avenue West, 10th Floor
Ottawa, ON K1A 0C8 CANADA
telephone: (613) 941-9036
facsimile: (613) 941-5783
e-mail: robert.weist@ic.gc.ca

Full text of email:

Greetings Everyone:

Georgia has as requirement for the name of an entity to be distinguishingly different than and existing name in our database. Currently, we go through a manual process of looking at every possible iteration of a spelling to determine if a name is available. We are trying to identify third-party software that will query our database and produce results on a name search.

1. Is anyone using any software to help you determine if a name is available?
2. If so, is the software something written internally or is it through a 3rd party vendor
3. If you are using 3rd party software, please provide the name of it.
4. Does the software provide the flexibility search “sounds like” , “ similar to”, “like” , “exact” or “soundex” matches?

Thanks!

Chauncey

Chauncey R. Newsome

Corporations Division Director

Office of Secretary of State, Brian P. Kemp

2 Martin Luther King Jr. Drive SE

Suite 315 - Floyd Tower West

Atlanta, Georgia 30334-1530

Phone (404) 657-4988

Fax (404) 657-2248

E-FAX (770)408.3859

Email: cnewsome@sos.ga.gov

Web: <http://www.sos.state.ga.us/>